

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARL R. RICE	:	CIVIL ACTION
	:	
v.	:	NO. 06-683
	:	
JAMES T. WYNDER et al.,	:	
	:	

ORDER

AND NOW, this 19th day of July, 2006, upon consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Charles B. Smith — to which no objections have been filed — it is ORDERED as follows:

1. The Report and Recommendation is **APPROVED and ADOPTED**.
2. The Petition for Writ of Habeus Corpus, pursuant to 28 U.S.C. § 2254, is **DENIED**.
3. There is no probable cause to issue a certificate of appealability.

The Clerk of Court shall close this matter for statistical purposes.

BY THE COURT

/s Paul S. Diamond, J.

PAUL S. DIAMOND, J.